

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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PROVIDENCE PIERS, LLC, )  
                          )  
                          )  
Plaintiff,             )  
                          )  
v.                      )       C.A. No. 12-532 S  
                          )  
                          )  
SMM NEW ENGLAND, INC., )  
                          )  
                          )  
Defendant.             )  
                          )  
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)

ORDER

WILLIAM E. SMITH, Chief Judge.

On February 2, 2016, United States Magistrate Judge Patricia A. Sullivan issued a Report and Recommendation ("R&R") in the above-captioned matter. (ECF No. 154.) The R&R recommends granting in part and denying in part Defendant SMM New England Corporation's Motion to Strike the August 25, 2015, Report of Plaintiff's Expert, Robert Tuomanen ("Tuomanen Report II"). (ECF No. 133.) Specifically, the R&R found that "the motion to strike the portion of Tuomanen Report II that amounts to an improper rebuttal should be granted, while the motion to strike the portion of the Report that constitutes a morphology analysis of the shredded pile should be denied." (R&R 11, ECF No. 154.) No objections to the R&R were filed, and the time for doing so has passed. Furthermore, in a letter to Magistrate Judge Sullivan, dated February 19, 2016, Plaintiff indicated its agreement to

comply with the R&R's recommendation and strike the portion of Tournanen Report II that is based on scrap metal testing in rebuttal to Defendant's expert.

Accordingly, the Court hereby accepts the R&R without objection pursuant to 28 U.S.C. § 636(b)(1). The R&R is hereby ADOPTED, and Defendant SMM New England Corporation's Motion to Strike Tuomanen Report II (ECF No. 133) is GRANTED in PART and DENIED IN PART in accordance with the R&R.

IT IS SO ORDERED.

  
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William E. Smith  
Chief Judge  
Date: February 23, 2016